REMARKS

This Amendment is filed in response to the Office Action mailed on October 20,

2004. All objections and rejections are respectfully traversed.

Claims 30-59 are pending in the case.

Claims 37 and 45 were amended to better claim the invention.

No new claims were added.

At Paragraph 1 of the Office Action claims 50-59 were rejected under 35 U.S.C. §

101 on the grounds that both; "Claims 50 and 55 comprise a computer program and a

method in the same claim."

Representative claim 50 is set forth as:

> 50. A computer-readable media, comprising:
>   instructions for execution in a processor for the practice of a
> method, said method having the steps,
>   receiving packets through one or more input ports and assigning
> the packets to X*Y classes of service, where * represents multiplication;
>   retaining packets based on probabilities of discard associated with
> the X*Y classes of service in a multiple storage location buffer that links
> available storage locations to a free queue; and
>   transferring the packets through one or more output ports based on
> the X classes of service.

Applicant respectfully urges that representative claim 50 complies with all re-

quirements of MPEP 2106 IV (page 2100-10 of the Eighth Edition of the MPEP Incorpo-

rating Revision 2). In particular, Claim 50 is to a computer readable media, for example

a disk, etc. The disk contains the computer program, and the computer program executes

the novel steps set out in claim 50. Accordingly, Applicant respectfully urges that claim 50 complies with all requirements of 35 U.S.C. § 101, and with the requirements of MPEP 2106 IV.

At Paragraph 2 of the Office Action claims 37-44, 45-49, 50-54, and 55-59 were rejected under 35 U.S.C. 112, second paragraph, on the grounds that:

In claims 37 and 45, it is unclear as to what is meant by "Y".

In claim 50 line 2 it is unclear as to what is meant by "instructions for execution in a processor for the practice of a method," and that therefore the scope of the claim is unascertainable.

Amendments of claims 37 and 45 are believed to satisfy the rejection of these claims.

In claim 50, as described hereinabove, the claim is to a "computer readable media", such as for example a disk. The language "instructions for execution in a processor for the practice of a method" indicate the usual technology of writing a computer program to a disk, and then transferring the instructions to a processor for execution.

Applicant respectfully that the method of the instructions of claim 50 are novel, and that therefore that Claim 50 is in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

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Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account

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Respectfully submitted,

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